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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,536	03/24/2004	Robert Guinn JR.	5996.00026	6147
5396 7590 04/29/2010 ROBERT RYAN MORISHITA MORISHITA LAW FIRM, LLC 8960 WEST TROPICANA AVENUE SUITE 300 LAS VEGAS, NV 89147				
EXAMINER				
CHAMPAGNE, DONALD				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
04/29/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,536

Applicant(s)

GUINN ET AL.

Examiner

Donald L. Champagne

Art Unit

3688

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-34, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-34, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Interpretation of Claim Language

1. Note on interpretation of claim terms - Unless a term is given an "explicit" and "clear" definition in the specification (MPEP § 2106.II.C), the examiner is obligated to give claims their broadest reasonable interpretation, in light of the specification as it would be interpreted by one of ordinary skilled in the art (MPEP § 2111). This means that the words of a claim must be given their "plain meaning" unless the plain meaning is inconsistent with the specification (MPEP § 2111.01.I and 2111.01.III). An explicit and clear definition must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. A clear definition is indicated by a section labeled definitions, or by the use of phrases such as "by xxx we mean"; "xxx is defined as"; or "xxx includes ... but does not include ...". An example does not constitute a "clear definition" beyond the scope of the example. An applicant may define specific terms used to describe the invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure" so as to give one of ordinary skill in the art notice of the change" in meaning (MPEP § 2111.01.IV and 2173.05(a)).
2. **Tracking anonymous and non-anonymous individual activity** is given the limited meaning disclosed by the specification (para. 29): allowing player activity (e.g., accumulating points) to be tracked through a transponder either before (anonymously) or after (non-anonymously) the player has provided personal information. Also see the bottom of p.17 in the remarks filed with an amendment on 23 November 2009.
3. **Player information received from the registration form** is not given "explicit" and "clear" definition in the specification. The spec. (p. 8 lines 7-17) implies **player information** includes the player's name and point balance, but does not make the metes and bounds of the term clear. **Player information received from the registration form** is interpreted to be any recorded information associated with the player, including the identifier of the fob/transponder given to an otherwise unidentified player (spec. p. 6 lines 17-20 and p. 7 lines 3-8). **Registration form** is interpreted as any vehicle for receiving **player information**.

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4. **Authorized individual** (e.g., claim 30) is not explicitly disclosed in the instant application as filed. The spec. (p. 9 lines 21-30) does disclose "those having privileges to access reports), which includes the player. **Authorized individual** is interpreted to be the player.

Claim Rejections - 35 USC § 102 and 35 USC § 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13, 15-25, 27, 28, 30-32, 34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Luciano, Jr., et al. (US 20020111210A1, "Luciano" hereafter).
8. Luciano teaches (independent claims 1, 12, 20, 30, 34 and 37) A system and method for tracking anonymous and non-anonymous individual activity, the method (as represented by claim 20) comprising:

receiving, at an interactive device (*input/output device 1804*, para. [0125] at a remote site (*APID gaming device 1800*), an RF signal from an RF transponder held by an individual (*RFID tag in a fob*, [0123]), the signal including an unique identifier identifying the RF transponder (*Each RFID tag has a unique number*, [0123]);

transmitting the identifier to a computing device at a central site (*back-end database 1812*, [0125] and [0095], where a *voucher ID* is a kind of *APID*, [0116], which is a class of *ITM*, [0121]);

tracking activity by the individual until a logout event [0116], wherein information about the activity is stored in a database at the central site associated with the unique identifier of the RF transponder(*back-end database 1812*, [0125] and [0095]);

associating a registration form comprising a transponder identifier with the RF transponder (*issuing an APID based on RFID tags*, [0151]), wherein the transponder identifier identifies the RF transponder; and

after information about the activity by the individual is stored, *inserting any applicable ITM* to have its identifier read ([0137]), which reads on receiving player information from the registration form (para. 3 above), wherein the player information is stored associated with previously stored information about the activity by the individual in the database according to the transponder identifier of the registration form (para. [0145]).

9. For claim 12, Luciano also teaches periodic communication (para. [0183], where *the gaming device* reads on "the RF enclosure"). For claim 30, the gaming device display to the player (para. [0064]) reads on "displaying a report to an authorized individual" (para. 4 above). For claim 34, Luciano also teaches a PIN ([0061]).
10. Luciano also teaches at the citations given above claims 5-7, 11, 13, 18, 21, 25, 27, 28, 31 and 32.
11. Luciano also teaches: claims 2, 3, 22 and 23 (capability to accumulate a point balance, para. [0082] and [0117]); claims 4 and 24 ([0005]); claims 8-10, and 15-17 ([0127]); and claims 8 and 19 (para. [0047]).
12. Claims 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano. Luciano does not teach receiving an RF signal including an employee identifier from an RF transponder held by an employee. However, Luciano does teach using an employee (*casino attendant*) to supervise a *big payout* (para. [0006] and [0007]). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have said employee log into the system to process the payout by holding their own fob/RF transponder, which reads on the claims.
13. Claims 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano in view of official notice. Luciano does not teach accessing the system over the Internet. However, Luciano does teach using the reference invention *in multiple casinos* ([0130]) and

does teach a local area network (*LAN 1810*, [0125]), the Internet being a connection of LAN's into Wide-area networks. Official Notice is taken that the Internet would have been the obvious preferred choice among those of ordinary skill in the art, at the time of the invention, for applying the reference invention to the disclosed *multiple casinos*.

Response to Arguments

14. Applicant's arguments filed with an amendment on 23 November 2009 have been fully considered but they are moot in view of the new basis of rejection.

Search for Allowable Matter

15. The examiner has searched this application for potentially allowable matter and regrets to report that none was found. If applicant believes any one or more features are potentially patentable, it would behoove the applicant to clearly identify those features by an after-final filing under 37 CFR 1.116.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 571-272-6717. The examiner can normally be reached Monday to Wednesday and Friday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and informal fax

communications (i.e., communications not to be made of record) may be sent directly to the examiner at 571-273-6717.

19. The examiner's supervisor, Lynda Jasmin, can be reached on 571-272-6782.
20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
21. **AFTER FINAL INTERVIEW PRACTICE** – Consistent with MPEP § 706.07(f) and 713.09, prosecution generally ends with the final rejection. **The examiner will grant an interview after final only when applicant files an interview request (form PTOL-413A)** containing compelling evidence that “disposal or clarification for appeal may be accomplished with only nominal further consideration” (MPEP § 713.09). The burden is on applicant to demonstrate this requirement, preferably in no more than 25 words. Amendments are entered after final only when the amendments will clearly simplify issues, or put the case into condition for allowance, clearly and without additional search or more than nominal consideration..
22. Applicant may have after final arguments considered and amendments entered by filing an RCE.
23. Applicant is advised that, unless a proposed amendment is filed after final and the examiner returns an advisory action with block 3(a) checked (signifying that further search or consideration is required), an amendment filed with an RCE **COULD BE MADE FINAL IN THE FIRST ACTION** in accordance with MPEP § 706.07(b).

26 April 2010

/Donald L. Champagne/
Primary Examiner, Art Unit 3688